

Message Text

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PAGE 01 STATE 163203
ORIGIN AF-10

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FM SECSTATE WASHDC
TO AMEMBASSY LAGOS

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E.O. 11652: N/A

TAGS: CASC, SHUM, NI

SUBJECT: CASE OF RAY BAKER

REF: STATE 140480

1. BAKER HAS REQUESTED THAT WE TRANSMIT FOLLOWING MESSAGE
FOR AMBASSADOR EASUM: QUOTE:

DEAR DON:

FOLLOWING OUR CONVERSATION IN WASHINGTON, OUR SUBSEQUENT
CORRESPONDENCE, AND THE LENGTHY TIME THAT HAS SINCE
ELAPSED, I AM CABLING TO REQUEST YOUR URGENT FOLLOWTHROUGH
WITH YAR'ADUA TO OBTAIN IMMEDIATE RESOLUTION OF THE PRO-
BLEMS BESETTING ME AND THE NIGERIAN DIVERSIFIED INVESTMENTS
(NDI) LTD. GROUP OF COMPANIES.

EVENTS NOW COMPEL RESOLUTION. THE NIGERIAN ENTERPRISES
PROMOTION DECREE (NEPD) REQUIRES THAT THOSE COMPANIES
WHICH NIGERIAN ENTERPRISES PROMOTION BOARD (NEPB) RULES
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PAGE 02 STATE 163203

ARE TO SELL EXPATRIATE SHAREHOLDINGS TO NIGERIANS MUST FILE
NECESSARY PAPERS WITH NEPB AND THE CAPITAL ISSUES COMMISSION
BY JULY 31, 1978. NDI CANNOT COMPLY BECAUSE ITS BOARD CAN-
NOT MEET, ITS SHAREHOLDERS CANNOT MEET, AND THE US AND
NIGERIAN DIRECTORS AND SHAREHOLDERS CANNOT MAKE JUDGEMENTS
MAKE THE FUTURE OF THE GROUP HIGHLY UNCERTAIN.

ACCORDINGLY, THE EVENTS OF THE PAST TWO YEARS AND THE CURRENT COMPLICATING FACTORS PRESENT FOUR CHOICES AND/OR POSSIBLE RESOLUTIONS FOR FMG, USG, AND ME:

1) THE RESTORATION PRIOR TO JULY 31, 1978, OF MY RESIDENCE PERMIT, CLEARANCE FOR MY UNINHIBITED TRAVEL TO NIGERIA, AND ASSURANCES THAT I AM WELCOME TO RETURN TO MY LONG-TERM BUSINESS INTERESTS AND WILL ENJOY FULL FREEDOM OF MOVEMENT.

2) GRANTING OF A POSTPONEMENT IN COMPLYING WITH NEPD TO NDI AND ITS SUBSIDIARIES, NAMELY, NIGERIA KRAFT BAGS LTD., CONTINENTAL OFFICE PRODUCTS LTD., AND J.I.M. CORPORATION LTD.

3) RECLASSIFICATION OR WAIVER OF NEPD COMPLIANCE FOR NDI, NKB, COP, AND JIM, OR DETERMINATION THAT THE COMPLIANCES GRANTED TO THESE COMPANIES IN 1974 ARE SATISFACTORY AND APPLICABLE IN 1978.

4) IF NONE OF THE ABOVE ARE ACCOMPLISHED PRIOR TO JULY 31, 1978, THEN THE PROVISIONS OF THE ENTERPRISES PROMOTION DECREE ENABLE NEPD TO TAKE OVER THE SHARES OF ANY COMPANY NOT COMPLYING, AND IN ANTICIPATION OF THAT I WILL FILE A CLAIM DIRECTED THROUGH THE STATE DEPARTMENT FOR COMPENSATION FOR EXPROPRIATION.
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PAGE 03 STATE 163203

COMMENTING FURTHER ON EACH OF THE ABOVE:

1) THE NATIONAL SECURITY ORGANIZATION HAS NOT INDICATED THAT IT WANTS MY FINGERPRINTS. OFFICIAL ASSURANCES BY FMG OF MY FREEDOM OF MOVEMENT MUST THEREFORE ACCOMPANY THE REISSUANCE OF MY RESIDENCE PERMIT.

2) POSTPONEMENT OR WAIVER OF NEPD COMPLIANCE WOULD HAVE TO BE RECEIVED BEFORE JULY 31, 1978.

3) NDI HAS BEEN CLASSIFIED INTO SCHEDULE II AS A "FINANCE/BANKING" COMPANY, REQUIRING 60 NIGERIAN PARTICIPATION. WE VIEW THIS CLASSIFICATION AS ERRONEOUS, IRREGULAR, AND CONTRARY TO NEPD RULINGS IN 1974.

4) LEGAL COUNSEL HAS ADVISED THAT SETTING A VALUE UPON AND FILING A CLAIM FOR COMPENSATION FOR EXPROPRIATION SHOULD PROCEED WITHOUT DELAY AFTER JULY 31, 1978.

MY PREFERENCE, AS YOU KNOW, IS THAT ITEM 1 ABOVE BE ACCOMPLISHED, AND I WILL BE MOST GRATEFUL FOR YOUR

VIGOROUS PURSUIT. WARMEST REGARDS, RAYMOND W. BAKER.
UNQUOTE.

2. WE STRONGLY SUGGEST EMBASSY AGAIN APPROACH FABUNMI
FOR PROGRESS REPORT IN ORDER TO LAY BASIS FOR APPROACH
TO YAR'ADUA THROUGH GARBA AS SOON AS AMBASSADOR RETURNS
TO POST.

VANCE

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NNN

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